THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 24152 of 1997

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Dated: 04.10.2005

Between:

Achuri Dhruva Kumar, S/o Krishna Murthy,
R/o Nalgonda, Nalgonda District.

..... PETITIONER

AND

The A.P. State Finance Corporation Limited,

Hyderabad, rep by its District Manager, Nalgonda,

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 24152 of 1997

Order:

By this writ petition, the petitioner seeks to declare the action of the respondent in attempting to sell his agricultural lands admeasuring 27 guntas in Survey No. 303 and 33 guntas in Survey
No. 387 of Yacharam Village, Haliya Mandal of Nalgonda District in public auction by invoking the Revenue Recovery Act, as illegal and arbitrary.

The petitioner claims to be the owner and possessor of agricultural lands admeasuring 27 guntas in Survey No.303 and 33 guntas in Survey No.387 of Yacharam village, Halia Mandal, Nalgonda District, having purchased the same from its original owner
Mr. Manchikanti Ramulu under an unregistered document dated 12.02.1987. The grievance of the petitioner is that the respondent-Corporation, without giving any notice and without conducting any enquiry, is initiating steps under the Revenue Recovery Act to take away the above said property from him and to sell the same in the public auction on the ground that his vendor is due an amount of Rs.67,609/- to the Corporation. Hence, the present writ petition.

A counter affidavit is filed by the respondent-Corporation denying the allegations of the petitioner and stating that the respondent-Corporation sanctioned loan of Rs.43,300/- to Manchikanti Ramulu on 28.02.1989 for establishing a rice mill. Subsequently, in spite of repeated oral and written requests made by the respondent-Corporation, when Manchikanti Ramulu failed to repay the said loan amount, the respondent-Corporation issued a distraint order under Section 8 of the A.P. Revenue Recovery Act against the said Manchikanti Ramulu. It is further stated that the petitioner is claiming his right over the property in question by virtue of an unregistered document, but the enquiries made by the respondent-Corporation and the certificates of the Village Assistant and the Mandal Revenue Officer, produced by Mr. Manchikanti Ramulu before the respondent-Corporation, show that the said Manchikanti Ramulu is the patta holder of the property in question, hence, the petitioner has no *locus standi* to question or assail the action taken by the respondent-Corporation.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

The main contention of the petitioner is that he purchased the property in question from its original owner, by name Mr. Manchikanti Ramulu under an unregistered

document, and that the respondent-Corporation is initiating steps to take away the said property from him and sell the same in a public auction on the ground that his vendor Manchikanti Ramulu is due to the respondent-Corporation. But, a perusal of the counter averments would reveal that the certificates of the Village Assistant and the Mandal Revenue Officer, produced by Mr. Manchikanti Ramulu before the respondent-Corporation, showed that the said Manchikanti Ramulu is the patta holder of the property in question. From the above, it can safely be presumed that Manchikanti Ramulu is the owner of the property in question, and that since the petitioner is claiming his right over the property in question by virtue of an unregistered document, the claim of the petitioner that he is the owner of the property in question and that the respondent-Corporation is trying to take away the same from him and to sell in a public auction, cannot be accepted. The petitioner has to work out his rights, if any, against his vendor, and in any event, he has no *locus standi* to question or assail the action taken by the respondent-Corporation. The writ petition is devoid of merit and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 04.10.2005

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